



STATE OF LOUISIANA  
MUNICIPAL FIRE & POLICE CIVIL SERVICE

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### **OSE General Notification No. 08-09-001**

To: Civil Service Board Members, Appointing Authorities, Governing Authorities

Subject: Acts 2008, No. 472

Issue Date: July 2, 2008

The enactment of Senate Bill No. 718 requires financial disclosure by certain elected officials and members of state boards and commissions. Understandably, this has prompted a number of calls from across the state as to whether the new law is applicable to the members appointed to the local boards established under the Municipal Fire and Police Service System.

We advise that Act 472 appears **not** to be applicable to members of fire and police civil service boards for reasons given below; however, our office has written the Office of the Attorney General in order to obtain a legal opinion.

LSA-R.S. 42:1124.2.1 now provides, in part:

A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124 or 1124.2., shall annually file a financial statement as provided by this Section:

(1) Each member and any designee of a member of a board or commission that *has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year.*

(2) Each member of the State Civil Service Commission.

(3) Each member of the Board of Commissioners of the Louisiana Stadium and Exposition District.

(Emphasis added.)

For the purposes of R.S. 42:1124.2.1. "board or commission" is defined in Paragraph D.(1)(ii) as follows:

***Each board, commission, and like entity created*** by the constitution, by law, by a political subdivision, . . . or jointly by two or more political subdivisions ***as a governing authority of a political subdivision*** of the state or of a local government. (Emphasis added.)

Although the statute now appears applicable to members of certain local boards and commissions, it appears inapplicable to members who serve on local fire and police civil service boards for these two reasons:

1. The civil service boards are established by law; however, the boards and the members appointed to them by the respective governing authorities are not themselves the governing authorities of a political subdivision.
2. The civil service boards do not have the authority to expend, disburse, or invest funds.

The Municipal Fire and Police Civil Service Law (specifically LSA- R.S. 33:2480 and 33:2540) provides, in pertinent part:

***. . . The governing body . . . shall make adequate annual appropriations*** to enable the board . . . to carry out effectively the duties imposed upon the board and ***shall furnish the board*** with office space, furnishings, equipment, and supplies and materials necessary for its operation. (Emphasis added.)

The statute provides that the governing authority must assure that appropriate funds are set aside in its annual budget in order that the civil service board may conduct its business. Also, the governing authority has the responsibility for furnishing the board with supplies and accommodations, as necessary. We are unaware of any civil service board in our system which has been given unilateral authority by the municipal, parish or fire protection district governing authority to expend, disburse or invest funds. Civil service boards do not self-generate revenue or have funds which may be invested, and to our knowledge all expenses incurred by boards are paid directly by the governing authorities of the municipalities, parishes, and fire protection districts, including, where such may be applicable, the salaries of part-time board secretaries, attorney's fees, and expenses related to the use of off-site test facilities.

The applicable provisions of Act 472 become effective January 1, 2009. We will follow up with another notification as soon as we obtain an opinion from the Office of the Attorney General.